

SECOND DAY.

Senate Chamber,
Austin, Texas.

Tuesday, January 21, 1930.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Galner.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Pollard.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Hornsby.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senators Love and Williamson:

S. B. No. 3, A bill to be entitled "An Act amending Article 6205, Revised Civil Statutes of 1925, as amended by Chapter 153 of the General and Special Laws of the Forty-first Legislature, at its Regular Session, amending Article 6221, Revised Civil Statutes of 1925, as amended by Chapter 5 of the General Laws, Second Called Session of the Forty-first Legislature, (Relating to Pension Law) and declaring an emergency."

Read first time and referred to Committee on Finance.

Simple Resolution No. 4.

Senator Hornsby sent up the following resolution:

Be it resolved that the following named persons be allowed pay for the number of days set opposite their names for pre-session work in getting the Senate Chamber ready for the Fourth Called Session of the Forty-first Legislature:

A. W. Holt, January 14 to 19, inc.
Mrs. Sewell, January 18 and 19th.
Buck Green, January 15 to 19, inc.
Sam Trigg, January 15 to 19, inc.
W. C. Denson, January 19, one day.
HORNSBY.

Read and adopted.

Committee Reports.

The Committee appointed to notify the House appeared at the bar of the Senate and Senator Beck announced that they had performed their duty.

Committee Appointed.

In accordance with H. C. R. No. 1, the Chair appointed Senators Woodul and Thomason as the Senate members of the committee to arrange for the Legislature to visit the State penitentiary.

At Ease.

On motion of Senator Moore, the Senate at 10:10 o'clock a. m., stood at ease subject to the call of the Chair.

Messages From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, January 21, 1930.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 3, providing for a joint session of the House and Senate to hear on address from the Governor.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk House of Representatives.

Hall of the House of Representatives,
Austin, Texas, January 21, 1930.

Hon. Barry Miller, President of the
Senate.

Sir: I am directed by the House
to inform the Senate that the House
has concurred in Senate amendment
to H. C. R. No. 1 by a viva voce vote.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk House of Representatives.

House Concurrent Resolution No. 3.

The Chair laid before the Senate
H. C. R. No. 3, inviting Governor
Moody to address a joint session of
the House and Senate at 11 a. m.

Read and adopted.

Joint Session.

At 11 o'clock a. m., the Chair an-
nounced that the hour for the joint
session had arrived. The Senate ad-
journed to the House of Represen-
tatives.

After Joint Session.

The Senate returned to the Sen-
ate Chamber at 12:15 o'clock.

Senate Bill No. 1.

The question recurred upon the
point of order raised against the mo-
tion to withdraw S. B. No. 1 from
the Committee on Penitentiaries and
consider it as a Committee of the
Whole.

The Chair sustained the point of
order, holding that any bill or reso-
lution which must be approved by
the Governor must first be reported
by a standing committee before it
could be considered by the Senate
as a Committee of the Whole.

Senator Love stated that his mo-
tion was not to resolve the Senate
into a Committee of the Whole but
to refer S. B. No. 1 to a special com-
mittee composed of every member
of the Senate.

The Chair held that this could not
be done.

Senate Concurrent Resolution No. 2.

Senator Hyer sent up the follow-
ing resolution:

Whereas, through the public press
and by statements of officials of State
supported colleges, a serious condi-
tion has apparently developed with

respect to their operation, and partic-
ularly their Summer Schools, due to
the lack of funds, and

Whereas, it is necessary that the
heads of these institutions know at
this time what funds will be avail-
able in order to prepare their plans
for Summer School work, and, there-
by prevent large numbers of their
instructors from securing employ-
ment elsewhere for the summer ses-
sion; and

Whereas, it is a well established
fact that Summer Schools have be-
come a necessity to a large number
of public school and college teachers
in order to meet the requirements
of the Legislature for continuance of
certificates to teach; and

Whereas, this situation is partic-
ularly acute as well as universal in
all the State colleges, creating a
statewide educational problem, that
it is the sacred duty of the Legis-
lature to consider; therefore

Be It Resolved by the Senate, the
House concurring, that we respect-
fully call this condition to the atten-
tion of the Governor as one which
demands prompt and immediate rem-
edy, and we most respectfully sug-
gest and urge that the subject of
Summer School Appropriations be
submitted to this Special Session im-
mediately, since it is of such para-
mount importance, and that we may
make some proper disposition of this
matter before considering any other
legislative appropriations whatever,
in view of the necessity which has
arisen due to the condition of the
State's finances as reported by the
Comptroller and the Treasurer.

Hyer, Russek, Berkeley, Moore,
Hornsby, Hardin, Thomason, Greer,
Neal, Patton, Miller, Small, Wirtz,
Love, McFarlane, Gainer, Beck, West-
brook, Williamson, Stevenson.

The resolution was read.

Point of no Quorum.

Senator McFarlane raised the point
of order of no quorum. The roll call
showed the following present:

Berkeley.	Love.
Cousins.	Martin.
Cunningham.	McFarlane.
DeBerry.	Miller.
Gainer.	Moore.
Holbrook.	Neal.
Hornsby.	Parrish.
Hyer.	Russek.

Small.
Williamson.
Wirtz.

Witt.
Woodul.

Absent.

Beck. Stevenson.
Greer. Thomason.
Hardin. Westbrook.
Patton. Woodward.
Pollard.

Absent—Excused.

Parr.

Senate Concurrent Resolution No. 2.

The question recurred upon S. C. R. No. 2.

Senator Witt sent up the following amendment:

Amend the pending resolution:

Strike out the words "before considering any" and substitute the words "along with."

WITT.

The amendment was read.

Senator Cousins moved the previous question on the amendment and the resolution. The motion was lost by the following vote:

Yeas—11.

Cousins. Miller.
Gainer. Neal.
Hardin. Russek.
Holbrook. Wirtz.
Hornsby. Witt.
Martin.

Nays—11.

Berkeley. Moore.
Cunningham. Parrish.
DeBerry. Small.
Hyer. Williamson.
Love. Woodul.
McFarlane.

Absent.

Beck. Stevenson.
Greer. Thomason.
Parr. Westbrook.
Patton. Woodward.
Pollard.

The Chair voted "Nay."

Recess.

Senator Witt moved to recess until 2 o'clock p. m.

Senator Wirtz moved to adjourn until 10 o'clock tomorrow morning. The motion was lost by the following vote:

Yeas—10.

Cousins. McFarlane.
Cunningham. Miller.
Hardin. Russek.
Holbrook. Wirtz.
Martin. Woodul.

Nays—12.

Berkeley. Moore.
DeBerry. Neal.
Gainer. Parrish.
Hornsby. Small.
Hyer. Williamson.
Love. Witt.

Absent.

Beck. Stevenson.
Greer. Thomason.
Patton. Westbrook.
Pollard. Woodward.

Absent-Excused.

Parr.

The motion to recess prevailed and at 12:38 o'clock the Senate recessed until 2 o'clock p. m.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

Senate Concurrent Resolution No. 2.

The question recurred upon the pending amendment to S. C. R. No. 2. The amendment was adopted.

Senator Witt moved the previous question on the further consideration of the resolution. The motion prevailed.

The resolution was adopted.

Message From the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following message:

Executive Department.

Austin, Texas, January 21, 1930.

State Senate,

Capitol.

Gentlemen:

I submit the attached list of names for your confirmation:

(Notaries Public. See immediately following last day's Journal.)

Referred to Committee on Governor's Nominations.

Executive Session Set.

On motion of Senator Williamson, the Senate voted to go into executive session tomorrow morning immediately after the morning call.

Adjournment.

On motion of Senator Parrish the Senate, at 2:38 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.**Petitions and Memorials.**

(Telegram.)

Huntsville, Texas, Jan. 21, 1930.

Hon. Barry Miller, Lieutenant Governor, Austin, Texas.

I cordially invite members of Legislature when in Huntsville to visit Sam Houston Teachers College and General Houston's old home and grounds. No entertainment proposed but brief inspection in line with your patriotic interest in the heroic traditions of Texas and your responsibility for her institutions.

H. F. ESTILL,

President Sam Houston State Teachers College.

Committee on Engrossed Bills.

Committee Room,

Austin, Texas, January 21, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 2 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, January 20, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Federal Relations, beg to report that at a meeting of said committee, held on January 20, the following resolution was adopted:

"Resolved, That the Attorney General of Texas is requested, as early as practicable, to communicate to the committee on Federal Relations

of the Senate, for its information, his opinion as to whether any executive committee of any political party has the power, under the laws of this State, to bar any person from participating in a party primary, either as a candidate for office or as a voter, because such person has voted against a nominee of such party at an election heretofore held, after participating in the primary conventions and primary elections of such party."

LOVE, Chairman.

THIRD DAY.

Senate Chamber,

Austin, Texas.

Wednesday, January 22, 1930.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Neal.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Russek.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Cousins.	Pollard.
Greer.	Stevenson.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Martin:

S. B. No. 4, A bill to be entitled